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Project

December 20, 2018

Secretary Betsy DeVos
United States Department of Education
400 Maryland Ave, S.W.
Washington, DC 20202

Dear Secretary DeVos:

On December 3, 2018, your 2018 financial disclosure form became available to the public—months after you originally submitted it in May 2018, and after it underwent a dozen revisions through September 2018. As the Director of the Office of Government Ethics (OGE) recently admonished all federal agencies, your form should have been available within 30 days of its submission “regardless of whether the agency has reviewed or certified the report.”¹ The purpose of these reports is to “promot[e] public confidence by increasing accountability and transparency for officials at the highest levels of government.”²

As organizations dedicated to promoting ethics and accountability in government, including to the principle that the mission of the Department of Education is to foster educational excellence and ensure equal access for students, we regretfully write to raise concerns about the contents of your financial disclosure forms. Not only was your financial disclosure form released far later than required, a dozen revisions were apparently required in order to make your submission accurate, which is a highly unusual practice. That the forms were only released after media inquiries about their absence from the public record compounds our concerns.

We trust you share our interest in ensuring that the public has faith that the Department of Education is acting in a manner responsive to the policy needs of American students and not pursuant to conflicts of interest arising from your financial holdings. We also expect you do not wish the complexities of your holdings, and the consequent complexities of your public financial disclosure report, to contribute to unfounded fears of ethical improprieties. Unfortunately, in its current state, your financial disclosure form does not do enough to assuage our concerns about your potential conflicts. Americans should not require a degree in forensic accounting to have trust in their government.

¹ OGE PA-18-3: Prompt Release of Public Financial Disclosure Reports, *available at* [https://www.oge.gov/web/oge.nsf/All+Advisories/D9944FC1E379F24F8525835B006CB42A/\\$FILE/Prompt%20Release%20of%20Public%20Reports.docx?open](https://www.oge.gov/web/oge.nsf/All+Advisories/D9944FC1E379F24F8525835B006CB42A/$FILE/Prompt%20Release%20of%20Public%20Reports.docx?open).

² *Id.*

Accordingly, we respectfully urge the Department to publicly release answers to the following questions as soon as possible.

Questions

1. Your final amended ethics agreement of January 19th, 2017 indicated 102 assets that needed to be divested within 90 days of your confirmation of February 7th, 2017.
 - a. Please identify which of those assets you still held on May 8th, 2017 (i.e., 90 days after confirmation).
 - b. Please identify which of those assets you still held on May 11th, 2017 (i.e., the date at which time an ethics agreement must have been complied with completely in order to avoid being required to file a Certification of Ethics Agreement of Compliance).
 - c. Please identify which of those assets which you still held on December 31st, 2017.
 - d. Please identify which of those assets which you still held on December 1st, 2018.
 - e. For any of these assets transferred to a charity, please identify the amount of the tax deduction you took on your 2017 taxes.
 - f. For any of these assets transferred to an adult family member, please identify the family member to whom you transferred the asset and the amount at which you valued the asset for purposes of filing your 2017 gift tax return.
2. Which Department of Education or Office of Government Ethics officials informed you that your “full compliance” with your ethics agreement had been achieved, and on what date did they do so?
3. Have you consulted with non-governmental ethics counsel or advisors regarding the terms and conditions of your ethics agreement? If so, please identify those individuals or firms.
4. Are there any assets that you have had to divest pursuant to guidance from Department ethics officials which were not required to be divested under your January 19th, 2017 ethics agreement? If so, please identify the asset, the conflict of interest it appeared to represent with your obligations as Secretary, the asset’s valuation, and how and to whom you divested it.
5. Do any of your current financial holdings relate to the operation or administration of the programs authorized by Title IV of the Higher Education Act, including, without limitation, for-profit institutions of higher education, companies that contract with institutions of higher education to provide any services relating to obligations, activities or conduct created or prohibited by Title IV of the HEA, companies that issue student loans, companies that service student loans, or companies that are involved in student loan debt collection?

6. Do any of your current financial holdings relate to the fields of education or intellectual development?
7. Given your involvement in the Federal Commission on School Safety, do any of your current financial holdings relate to firearms, the firearms industry, or private security companies that might be affected by school safety policy changes?
8. As a member of the President's Cabinet and the leader of a substantial government agency, what methods do you use to ensure that the sensitive public information that you obtain does not impact your personal investment decisions?
9. Have you created any trusts on behalf of your children or other members of your family that do not need to be shared on this financial disclosure form but provide financial security to members of your family? If so, do any of those trusts include assets that would fit within the categories mentioned above concerning the fields of education or intellectual development?

Thank you for your attention to these important matters. Our sincere hope is that your responses will assuage concerns that currently exist about your financial holdings and transparency.

Sincerely,



Jeff Hauser
Executive Director
Revolving Door Project



Austin Evers
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